

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1113 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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VN SHAH

Versus

GUJARAT ELECTRICITY BOARD

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Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/10/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

1. The petitioner No.1 is a Deputy Engineer in the Gujarat Electricity Board. He completed nine years service in the Board and opted for the benefit of higher pay scale which is provided on completion of nine years services to the officers/employees of the Board from 6-11-1974. However, he was granted this higher pay scale benefit under nine years services scheme from 16th

November, 1975. Hence, this special civil application before this Court.

2. From the annexure 'D' on the record of this special civil application filed by the Board along with the reply to the special civil application, I find that there were adversities in the service record of the petitioner i.e. he was communicated with the adverse remarks for the years 1967-68, 1968-69, 1970-71 and 1971-72. So consistently there is adversity in the service record of the petitioner. The adverse remarks for the years 1967-68 and 1968-69, from annexure 'D' appears not to have been communicated. However, the adverse remarks for the years 1970-71 and 1971-72 were communicated to the petitioner. The petitioner even has not challenged those adverse remarks by filing a representation and the same became final. In view of the adverse remarks for the years 1970-71 and 1971-72 in case the petitioner has not been given the higher pay scale benefit on completion of nine years services from 6-11-1974, the decision of the Board cannot be said to be perverse or illegal. Even in the presence of these two adverse remarks he may not have been given the benefit of higher pay scale on completion of nine years services.

3. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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